

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hon. Jane M. Beckering

524 FLORENCE STREET, KALAMAZOO,
MICHIGAN, et al.,

Case No. 1:23-cv-425

Defendants.

JUANISHA SHADEAN MONTGOMERY,

Claimant.

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REPORT AND RECOMMENDATION AND ORDER

This matter was filed pursuant to 21 U.S.C. § 881 to forfeit real property and six pieces of assorted jewelry. As previously noted in my Order to Show Cause (ECF No. 67) dated August 21, 2024, Claimant Juanisha Shadean Montgomery failed to appear for an early settlement conference set on that date. I issued an Order to Show Cause, setting a hearing for September 4, 2024, and warning Claimant that failure to show good cause for failing to appear at the settlement conference would result in a report and recommendation that her claim be dismissed. (ECF No. 67.) The Order was mailed to Claimant. Claimant called the Court on August 26, 2024, and stated that she had been too busy to attend the early settlement conference. She was advised over the phone of the Order to Show Cause and the date, time, and location of the show cause hearing. In addition, Court staff confirmed her address and re-sent the Order to Show Cause by mail.

Claimant failed to appear for the September 4, 2024 hearing and failed to file any motion or otherwise notify the Court that there was any reason why she could not appear. I therefore

recommend that her claim be dismissed pursuant to Fed. R. Civ. P. 41(b) and (c) and W.D.Mich. LCivR 41.1 for want of prosecution and failure to comply with the rules and orders of this Court.

ORDER

In addition, the Government is invited to submit an affidavit or declaration setting out its reasonable fees and costs incurred in preparing for and attending the early settlement conference on August 21 and today's show-cause hearing. Any such affidavit or declaration shall be filed within seven days of the date of this order. Claimant may file any objections to the Government's request for fees and costs within seven days of the date it files its affidavit or declaration.

IT IS SO ORDERED.

Dated: September 4, 2024

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge

OBJECTIONS to the Report and Recommendation portion of this filing must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).